

Elections, Candidates. Dual Candidacy, Official Ballot. Official Ballot, Name of Candidate to Appear But Once.

Where a candidate for nomination under the primary law is nominated on more than one ticket, his name may be printed on the official general election ballot only once as provided by Sec. 545, R. C.

September 16, 1914.

Hon. J. L. Slattery,
County Attorney,
Glasgow, Montana.

Dear Sir:

I am in receipt of your letter of September 9th, submitting the question:

"May the clerk in the preparation of the official ballot for the general election, cause to be printed on such ballot under more than one party designation, the name of the same candidate?"

Notwithstanding reports to the contrary, this question has not heretofore been considered by this department.

It appears from the statement of facts that the electors of that county, filed petitions requesting the name of a certain party to be printed on the ballots used at the primary election as the nominee of the democratic party. That at such election certain electors wrote the name of this same party on the ballot under the designation of "progressive party," and that this party received the greatest number of votes as a candidate of the democrat party, and also as a candidate of the progressive party. This result was certified to the county clerk, so that it now stands of record in his office that the same candidate is the nominee of the democrat party and also of the progressive party, and that these nominations were made "at the same time."

It appears to be the meaning of this law that a clerk cannot legally print the name of the same candidate more than once, or under more than one party designation, upon the official ballot, and that when the candidate has been nominated by more than one party at the same time, he should inform the county clerk of the party designation

under which he desires his name to be printed, and this should be done within the time named in the old law for filing certificates of nomination. The provisions of Section 545, Revised Codes, contain the instructions to be followed by the clerk in the preparation of the official ballot.

Yours very truly,

D. M. KELLY,
Attorney General.